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SUBJECT: PRIMER ON APRIL 9 PRESIDENTIAL ELECTIONS IN EAST TIMOR

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¶1. (U) Summary: On April 9 Timorese citizens are scheduled to go to the polls to select from eight candidates who they want to serve as their next president, replacing the iconic Xanana Gusmao. Most observers believe that the election will go to a run off, as the winner must win by a margin of over 50 percent. If this is the case, the law requires that the runoff occur 30 days after, on May 9. The presidency is a largely ceremonial post, but this election is viewed as an important indicator of the relative strengths of different parties and is thus expected to set the stage for parliamentary elections. The President has announced that he will formally declare the date for the parliamentary election after the April 9 poll, but in the meantime an informal agreement has been reached between the President and the ruling FRETILIN party that the date will be toward the end of June. This will be the first national poll in East Timor that is run by sovereign Timorese electoral bodies, although the UN has been providing significant support. This cable provides an overview of basic election arrangements including: registered voter numbers; polling station arrangements; observers; security arrangements; result tabulation and announcements; complaints mechanisms; and electoral bodies. End summary.

The voters

¶2. (U) The updating of voter registration opened on January 29 and ended March 23, having registered 112,000 new voters. The total number of registered voters now stands at 507,000. Registration will reopen between the presidential and parliamentary elections, on dates to be determined. Embassy is researching the demographics of the new registrations (i.e., how many first-time voters, how many newly eligible since 2002, etc.) and will report septel.

Polling station arrangements

13. (U) Voters may cast their vote in any polling center or polling station nationwide. There are 504 polling centers, one per each suco (village). Some polling centers have more than one station in order to accommodate larger sucos or large numbers of voters. There are a total of 706 polling stations. (Note: This is a slightly different number than previously reported, but reflects the most up-to-date information.) At least 70 polling stations are inaccessible by road, and of these 40 will require delivery and pickup of election materials by helicopter and 25-26 will require delivery on foot or horseback.

Half the stations in the enclave of Oecusse fall into one of these categories. Each polling station will be staffed by five electoral officers, selected from among local voters and trained by the State Technical Administration for Elections (STAE). These include: one president, one identification verification officer, one ballot paper controller, one ballot box controller, and one queue controller. In addition, National Electoral Commission (CNE) will have a central presence in each of the 13 districts comprising one commissioner, four focal points, and three UN volunteers.

Observers

14. (U) The Coalition for Monitoring General Elections (KOME), a coalition of 17 national NGOs supported by the USAID-funded National Democratic Institute (NDI), will field 1308 domestic observers, covering all polling centers and stations. Apart from KOME, as of March 24, there are 633 national observers from 35 organizations. There are 21 international organizations and embassies registered to observe the presidential elections, including the U.S. mission. Each candidate is allowed to have two agents observing at each polling station; however, most candidates are not attempting to cover a wide number of locations, and none have requested observer training for their agents. (On this aspect, parties are reportedly more focused on preparing to field large numbers of agents for the parliamentary

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elections.)

Security Arrangements

15. (SBU) The UN Police (UNPOL) and Timorese police (PNTL) have assessed the risk at each polling center, identifying three levels of risk. Three UNPOL and three armed PNTL will guard the highest risk sites, such as the largest polling centers in Dili.

High risk centers outside of Dili will have three UNPOL and two armed PNTL. Other centers will either be covered by two UNPOL and two PNTL or three to four armed PNTL. In addition, UNPOL will be coordinating mobile patrols. In Dili, 22 patrol cars will provide security for 11 sectors, each with three to five polling centers. Outside of Dili, one car manned by two UNPOL and one PNTL officer will patrol each sector of two to five centers. The formed police units (Malaysian, Portuguese and Bangladeshi) will provide district back-up in case of emergencies, such as violence at a polling station, while the International Stabilization Force (ISF) will also be on call. There is no anticipated role for the East Timorese armed forces (F-FDTL).

Announcement of results

16. (U) According to the election law's provisions on counting, tabulation, and verification of the results, the final outcome of the election must be announced no later than April 19. The deadline for the CNE's completion and posting of provisional national results will be April 14, five days following the elections. The deadline for the Court to validate the results is four days later if no appeals are lodged vis-à-vis the preliminary results and five days later if any appeals are lodged. The tabulation and verification process includes the following stages: 1) initial counting at polling stations by election officials in the presence of the public and observers

with result posted at the center; 2) district tabulation by STAE officials and selected polling station officials with CNE supervision and in the presence of candidate delegates, observers, and media; 3) national tabulation by the CNE which will then post the provisional results; and 4) final verification of the results by the Court of Appeals.

Complaint and dispute mechanisms

17. (U) Voters and candidate agents can file complaints or protests during and after the polling. There is no clear deadline in the law for voters or candidate agents submitting complaints regarding electoral operations. Initial complaints are to be submitted to the electoral officials at the polling station who can make an immediate decision if approved by at least three of the officials present; the officials may consult STAE in making their decisions. Voters and candidate agents can also address their complaints to CNE through the polling stations. There are no formal provisions for bypassing the polling station officials, for example if the complaint is against them, but CNE officials have relayed to Emboffs that they will accept complaints that come through different channels, for example if brought directly to their district offices.

18. (U) Appeals or disputes concerning the election results can be made at the provisional result stage based on CNE's posting. The law requires that any such motion be submitted to the Court of Appeal within 24 hours of the posting of the provisional results. In turn, the Court must render its final decision on all such motions within 24 hours of receipt. (Note: The UN's independent Electoral Certification Team (UNECT) has in all its reports raised concerns about the time limits imposed for both the lodging of an appeal against the provisional tabulation results and the time given to the Court of Appeals to consider the appeal. UNECT notes that a longer time should be provided to allow challengers a "reasonable opportunity to gather the

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information needed to support a challenge, brief legal counsel, and prepare documentation." Moreover, the Court needs sufficient time to "consider all challenges lodged, hear arguments~, assess the relevant facts and applicable law, and provide fully justified judgments." End note.)

Electoral Bodies

19. (SBU) The main electoral bodies are the CNE and the STAE. CNE is an independent supervisory body, mandated to monitor all aspects of the electoral process. Observers, such as UNECT, note that it has performed well as a genuinely independent body, but has had trouble establishing itself due to the late promulgation of the legislation establishing it and limited access to resources for its operations. CNE has an allocation in the state budget of USD 176,000 which must be allocated across three elections if the presidential election goes to a run-off. STAE is responsible for all election logistics, including registration, ballot preparation, and polling station staffing and set up. STAE is a government body reporting to the Minister of State Administration. This arrangement has led to many criticisms that STAE lacks sufficient independence, especially as the current Minister, Ana Pessoa, is a leading ruling FRETILIN party member. UNECT has nevertheless evaluated STAE as basically sound in its work, but the Minister has at times shown an inclination to intervene on key decisions and the STAE director clearly sees himself as reporting to her. STAE has an allocation in the state budget of USD 1,661,000. The Court of Appeals serves as the final arbiter of all decisions made by the electoral bodies, and certifies the final results.

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